

Art Unit: 3662



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/529,186

Filing Date: May 01, 2007

Appellant(s): GOUJON ET AL.

Jeffrey A. Pyle
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 2, 2009 appealing from the Office action mailed January 15, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Claims 15, 18, 31 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

This appeal involves claims 1-10, 13, 14, 16, 17, 19, 20, 24, 29, 30, 32, and 34.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

A substantially correct copy of appealed claims 1-10, 13-20, 24 and 29-34 appears on pages 14-17 of the Appendix to the appellant's brief. The minor errors are as follows:

In claim 3, line 1, "is" should be deleted.

(8) Evidence Relied Upon

6,477,111	LUNDE et al	11-2002
4,398,276	KRUPPENBACH	8-1983

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 13, 14, 16, 17, 24, 29, 30 and 32 are rejected under 35 U.S.C. 102(a and/or e) as being anticipated by Lunde et al ('111).

Per claims 1 and 29, Lunde et al discloses a seismic cable (see Figs. 1 and 11) that includes a tension support cable (32), a signal cable (36) attached to the support cable at a plurality of first points (38c) spaced along the length of the signal cable at a plurality of second points (38c), and at least one sensor (30) disposed on the signal cable at a third point (30).

Per claims 2 and 3, see jacket (39).

Per claims 4, 5 and 10, see strengthening members (32).

Per claims 6-9 and 30, see elements (36a, 36b and 36c).

Per claims 13 and 14, see sensor modules (30) and electronics modules (34).

Per claims 16, 17 and 32, see Fig. 8.

Per claim 24, see Figs. 8 and 9.

Claims 1, 19, 20, 29 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuppenbach ('276).

Per claims 1 and 29, Kruppenbach discloses a seismic cable (see Fig. 2) that includes a tension support cable (30), a signal cable (14) attached to the support cable at a plurality of points spaced along the length of the signal cable, and at least one sensor (12) disposed on the signal cable.

Per claims 19, 20 and 34, see element (22).

(10) Response to Argument

It is pointed out that appellant is not arguing the merits of the dependent claims and therefore, the dependent claims stand or fall with the two independent claims 1 and 29.

Appellant first argues the merits of claims 1 and 29 over the Lunde et al patent by noting that Lunde et al mechanically couples the sensor modules to the stress member, and details Fig. 8 in Lunde et al as showing the mechanical coupling. However, as noted in the rejection, it is not Fig. 8 that is utilized in the rejection, but rather the embodiment disclosed in Fig. 11 of Lunde et al that anticipates the instant claims. In Fig. 11 it is clearly shown that the stress members (32) are mechanically decoupled from the signal cable (36) by the element (38c).

Appellant next argues that Kuppenbach does not teach or suggest a tension support cable that is “capable of absorbing tension during deployment of the seismic cable”. Specifically, appellant argues that Kuppenbach only provides for the tension support cable being capable of absorbing tension during retrieval of the cable and not during deployment of the cable, as instant claimed. This argument is not convincing since on col. 4, lines 3-8, deployment of the tension cable and signal cable is suggested. Therefore, not only is the tension cable “capable of absorbing tension” during retrieval but also during deployment.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

//Ian J. Lobo//

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